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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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NEW YORK, NY 10112

EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,002

Applicant(s)

KIKUCHI, KOJI

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (U.S. 5,796,633), Lau (U.S., 6,101,500) and Wiggins (U.S. 5,717,604).

As per claims 1,5,17,21 Burgess disclosed a data processing apparatus that is adapted to communicate data through a network to each of a plurality of computers and a plurality of peripheral devices connected to said network, comprising: display means for displaying said plurality of computers and said the plurality of peripheral devices as symbol information onto a virtual system display screen (col. 5, lines 33-41);

However Burgess failed to disclose first discriminating means for discriminating from the plurality of computers, licensor computer having a license server function for issuing a predetermined license to at least one of said data processing apparatus and any other of the plurality of the computers.

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In the same field of endeavor Lau disclosed MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from many Vendors, such as Sun Microsystems, Inc. and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated) (col. 9, lines 15-25).

However Burgess-Lau-Wiggins did not disclose in detail first control means for controlling said display means to display the licensor computer discriminated by said first discriminating means such that the licensor computer may be distinguished from one or more of the plurality of computers that receive the predetermined license from the licensor computer on the display screen.

In the same field of endeavor Wiggins disclosed if the current users equals max users, check for an alternate license file alwhofile. If an alternate is specified connect the alternate license server to alwhoservice. Verify the connection by calling function Is Success If successful continue, If not, display message indicating no available licenses (col. 8, lines 1-13).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated if the current users equals max users, check for an alternate license file alwhofile. If an alternate is specified connect the alternate license server to

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alwhoservice. Verify the connection by calling function Is Success If successful continue, If not, display message indicating no available licenses as taught by Wiggins in the method of Burgess-Lau-Wiggins to allow easy tracking of the configuration of computers in the network.

3. As per claims 2,6,10,14,18,22 Burgess-Lau-Wiggins disclosed further comprising: second discriminating means for discriminating, from the plurality of computers, licensee computers to which the predetermined license has been issued from the licensor computer discriminated by said first discriminating means (Lau, col. 9, lines 54-67); and second control means for controlling the computers discriminated by said second discriminating means such that the licensee computers may be identified from other devices on the virtual system display screen (Lau, col. 10, lines 47-56).

4. As per claims 3,7,11,15,19,23 Burgess-Lau-Wiggins disclosed further comprising: third discriminating means for discriminating a server device having an image input server function which may be used by said data processing apparatus (Burgess, col. 5, lines 7-16); third control means for controlling the server device discriminated by said third discriminating mean such that the server device be identified from other devices on the display screen (Burgess, col. 9, lines 35-50); selecting means for selecting a symbol on said display screen; and service supplying means for supplying a common service to each of the licensee computers to which the predetermined license has been issued from the licensor computer, when the licensor computer and the server device have been selected by said selecting means (Lau, col. 9, lines 54-67).

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5. As per claim 4 Burgess-Lau-Wiggins disclosed wherein the common service which is supplied by said service supplying means includes a distribution service for distributing a same data to each of the licensee computer (Burgress, col. 9, lines 52-67).

6. As per claims 9,13 has the same limitations as to claims 1 and 5 therefore under the same relations claim 9 can be rejected.

7. As per claims 8,12,16,20,24 Burgess-Lau-Wiggins disclosed wherein the service which is supplied by said service supplying step includes a distribution service for distributing same data to each of said licensee computers (Burgress, col. 9, lines 52-67).

Response to Arguments

Applicant's arguments filed 10/18/2004 have been fully considered but they are not persuasive.

Applicant's arguments are as follows.

9. Applicant argued that prior art did not disclose discriminating a licenser computer having a license server function for issuing a predetermined license to a data processing apparatus. The prior art also failed to disclose controlling a licenser computer such that the licenser computer may be identified from other devices on a virtual system display screen.

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As to applicants argument Lau disclosed MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from many Vendors, such as Sun Microsystems, Inc. and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated) (Lau, col. 9, lines 15-25). One ordinary skill in the art at the time of invention it would have been obvious to discriminate different computers or users or servers on the basis of licensee agreements. Lau stated in the above paragraph that different computer has to be licensed in order for the different vendors to use it. Also Lau in the above statement stated that Different operating system are licensed by different Vendors who also maker of the computers like SUN, IBM, HP that discriminate on the basis of the licenses of the operating system.

10. Applicant argued that prior art did not disclose “a data processing apparatus that is adapted to communicate data through a network to each of a plurality of computers and a plurality of peripheral devices connected to said network, comprising: display means for displaying said plurality of computers and said the plurality of peripheral devices as symbol information onto a virtual system display screen”.

As to applicant’s arguments Burgess disclosed “configuration information that may be obtained by configuration procedure regarding the operating system include the data of installation, the

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registered owner, the registered organization, the current version, the system root directory, the current version of the operating system, the product type, the build number of the operating system, and various start-up options of the operating system” (col. 5, lines 59-65). Burgess further disclosed “Computer comprises process, random access memory, read only memory, mouse, keyboard and input/output devices such as printer, disk drives, display and communications link” (col. 4, lines 62-66). One ordinary skill in the art at the time of invention interrupted the peripheral devices as keyboard, printer, mouse, printer etc.

11. Applicant argued that prior art did not disclose “first discriminating means for discriminating from the plurality of computers, a licenser computer having a license server function for issuing a predetermined license to at least one of said data processing apparatus and any other of the plurality of computers; and first control means for controlling the licenser computer discriminated by said first discriminating means such that the licenser computer may be identified from other devices on the virtual system display screen”.

As to applicant’s arguments Lau disclosed “MS-DOS operating systems from Microsoft Corporation, the Unix Operating system available from many Vendors, such as Sun Microsystems, Inc. and the Hewlett-Packard Corporation, or the Net ware or Intranet- Ware operating systems available from Novell, Incorporated (windows and MS-Dos are registered trademark in the United States licensed exclusively through X/Open Company, Ltd, NetWare and Intranet Ware are registered trademarks of Novell, Incorporated)” (col. 9, lines 15-25). One ordinary skill in the art at the time of the invention interrupted the Unix and MS-DOS operating

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systems are available in different versions and be identified by different licenser computer systems.

Examiner recommends that the Applicant's claims still require the language to reflect the details argued.

Conclusion

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

13. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

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14. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label

“PROPOSED” or “DRAFT”);

(703)-746-7239 (For Official Communications Intended for entry, please mark “EXPEDITED PROCEDURE”),

(703)-746-7238 (For After Final Communications).

15. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

Am

Adnan Mirza

Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER